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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,100 06/19/98 ROSS JR.

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EXAMINER

KANDOF, P

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

11/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/100,100

Applicant(s)
Ross, Jr.

Examiner
Pedro R. Kanof

Group Art Unit
2765



☒ Responsive to communication(s) filed on 6/19/98 Pre-Amendment

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 7-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 7-36 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 7-14 and 25-29 are rejected under 35 U.S.C. because the claimed invention is directed to non-statutory subject matter.

Claims 7-14 and 25-29 recite a system and a method with series of means that are not limited to a specific machine, and are, therefore, considered for the purpose of analysis under 35 U.S.C. 101 as reciting a series of means. None of the claims recite pre- or post-computer activity.

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None of the claims recite a limitation to a practical application, but merely perform a series of steps and are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-36 are rejected under 35 U.S.C. 102(a) as being anticipated by The Medical Manager (TMM). TMM is a total, global and integrated method and system to manage health business, and is documented --Copyright 1982-- by an unique manual partially composed of the following volumes:

- TMM, Medical Records System (TMM/MRS),
- TMM, Report Generator (TMM/RG),
- TMM, New System Features (TMM/NSF).
- TMM, Installation & Appendices (TMM/I&A),
- TMM, Operator's Guide, Chapters 9-12 (TMM/OG9-12),
- TMM, Operator's Guide, Chapters 7-8 C, (TMM/OG7-8),

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- TMM, Prescription System and New System Features, Version 2.0/9 (TMM/PSNSF),
- TMM, View Patient Chart System, Version 3.00/9 (TMM/VPCS),
- TMM, Document Image System, Version 3.0/9 (TMM/DIS),
- TMM, System Analyst Tool Box, Version 9 (TMM/SATB),
- TMM, Features & Reports, Version 9 (TMM/F&R), and
- TMM, 15th Annual National Sales & Technical Training Seminar, V. 1 (TMM/15TS),
with Copyright 1994.

Claim 7: TMM discloses a method of patient record documentation (TMM/15TS, Ch. 3, pages 1-10, TMM/OG7-8, pages 248-257, TMM/MRS, pages 1.1-1.22, and TMM/OG9-12, pages 10.30-10.39), tracking (TMM/OG7-8, pages 8-153 and 8-154) and order entry, comprising logging on to a peripheral CPU (TMM/15TS, Ch. 1, pages 7-14), displaying the user's name and the active patient list "grease board", and showing room location (TMM/OG7-8, pages 8.84 and 8.85), patient's name, patient's physician, nursing orders, patient priority and elapsed time of stay, and status of assignment of nurse and physician, ordering of X-rays (TMM/PSNSF, pages 4-15), labs tests (TMM/VPCS, pages 1.6 and 1.7), nurses' orders (TMM/15TS, Ch. 5, pages 17-25), records, dictation (TMM/F&R, page 64, and TMM/15TS, Ch.3, page 10) and vital signs (TMM/VPCS, page 1-7).

Claim 8: TMM discloses the method of claim 7, wherein the status is shown in small letters for ordering of X-rays, labs, tests, nurses' orders and dictation, and large letters for completion of X-rays, labs, tests, nurses' orders and transcription of dictation (TMM/OG7-8,

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pages 7.222-7.234). Also Kameda discloses this step (Col. 5, lines 10-23 and 41-59, Col. 6, line 14, and Col. 20, lines 34-52).

Claim 9: TMM discloses the method of claim 7, further comprising alternately displaying active patient list information in department layout (TMM/OG7-8, pages 8.63-8.65, and 8.149-8.152, and TMM/RG, 3.13-3.22).

Claim 10: TMM discloses the method of claim 7, further comprising alternately displaying the list of patients waiting to be seen by a physician, in order of priority (TMM/F&R, pages 76-78, TMM/OG7-8, pages 8.70-8.78, and TMM/NSF, pages 76-78).

Claim 11: TMM discloses the method of claim 7, further comprising alternately displaying patient lists by patient complaints (TMM/PSNSF, pages 9-11).

Claim 12: TMM discloses the method of claim 7, further comprising alternately displaying patient lists by patients whose reports have not been dictated by the physician (TMM/MRS, pages 3.1-3.6).

Claim 13: TMM discloses the method of claim 7, wherein the logging on comprises inserting a security card in a receiver connected to the peripheral CPU, which logs on and identifies the user and brings up the active patient list (TMM/OG9-12, pages 9.101-9.108).

Claim 14: TMM discloses the method of claim 13, wherein pulling the card from the receiver automatically exits the screen, establishes a security lockout on the terminal, and saves the data which has been entered on the screen by transferring the data from the peripheral CPU to file servers connected to the CPU (TMM/OG9-12, page 10.38).

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Claim 15: TMM discloses a method of patient record documentation tracking and order entry, comprising entering patient data in one of plural peripheral CPU's by touching a touch screen or by moving and clicking a mouse, entering specific patient complaints by touch screen or mouse, and automatically generating potential differential diagnosis from a specific patient complaint according to sex and age in the patient data (TMM/OG9-12, pages 10.121-10.134).

Claim 16: TMM discloses a method of claim 15, further comprising displaying the differential diagnosis in two levels, a first level and a second level, the first level having all potential diagnoses associated with the specific complaint, the second level having a relatively short list of most common and most serious potential diagnoses which are specific to the complaint, both first and second levels being age and sex specific (TMM/MRS, 12.56-12.67).

Claim 17: TMM discloses a method of claim 15, further comprising entering patient treatment data by touch screen and mouse at the peripheral CPU, transferring the patient treatment data from the CPU to file servers, providing patient instruction sets in the peripheral CPU's, automatic selection of patient instructions by the software according to the treatment data, the diagnosis data and the complaint data, and transferring selected patient instructions from the peripheral CPU to a printer for printing patient instructions and a patient record (TMM/F&R, pages 61-62).

Claim 18: TMM discloses a method of claim 17, further comprising storing in the peripheral CPU's alphabetical listings of all drugs and drugs commonly prescribed by a physician, and displaying the commonly prescribed drugs in response to a touch screen or mouse request for

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a drug display by the physician, selecting the desired drugs from the display of commonly used drugs by the touch screen or mouse, from an alphabetical listing, drug category listing, or from a doctor-specific personal preference listing; preselecting a drug, number, route and dosage from the listing, displaying the prescriptions on a display in response to a request for the prescription display by the physician, generating nursing medication orders in the patient records, in the outstanding order list, generating prescription, transmitting the prescription data to the file servers for inclusion in the medical records and in the patient instruction, and transferring the prescription data to the printer for printing a prescription and associated patient instructions (TMM/OG9-12, pages 10.25-10.29).

Claim 19: TMM discloses a method of claim 17, further comprising storing advance cardiac life support (ACLS) documentation software in the peripheral CPU's, displaying ACLS screens on peripheral CPU monitors, checking specific treatments on the monitor by touch screen, mouse or keyboard, and entering specific treatments data by checking or touching a procedure performed button, medication given button or rhythm documented button, transferring the data to the file server, including the procedure, medication or rhythm, calculating the elapsed time since the procedure, medication or rhythm was input at the peripheral CPU (TMM/OG7-8, pages 8.272-8.273).

Claim 20: TMM discloses a method of claim 19, further comprising providing on the monitor ACLS medication screens, ACLS procedure screens and ACLS rhythm screens which are exchangeable back and forth on the monitor, all of the medication screens, procedure screens and

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rhythm screens having "given/performed" buttons for entering the time and procedure, medication, or rhythm in the ACLS history and "history of ACLS" buttons for displaying the ACLS history, with means in the peripheral CPU for displaying elapsed time since each entry of medication, procedure and rhythm was logged (TMM/OG7-8, pages 8.273-8.277).

Claim 21: TMM discloses a method of claim 19, further comprising entering ACLS history in the patient medical record, which is compiled in medical English text by the peripheral CPU and transmitted to the printer for printing of the complete patient record with the ACLS procedures, and additionally with all ACLS procedures, and additionally with all ACLS data sent from the peripheral CPU to the file servers (TMM/NSF, pages 1-14).

Claim 22: TMM discloses a method of claim 15, further comprising providing documentation of laceration repair by displaying laceration screens which document all laceration repair materials and procedures applied to each of multiple layers of tissue and multiple wounds on a patient (TMM/DIS, pages 11-16).

Claim 23: TMM discloses a method of video instruction on demand, comprising storing prepared video patient instructions in a file server, preselecting the video instructions according to complaint, sex, age, prescriptions and procedures, selecting video instructions from preselected video instructions and displaying the selected instructions, whereby video patient instructions can be provided on the screen of any terminal CPU to instruct patients in the proper care of and information about medical conditions (TMM/OG9-12, pages 10.139-10.142).

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Claim 24: TMM discloses a method of claim 23, further comprising providing video instruction on demand whereby video patient instructions can be provided to assist in obtaining informed consent for performing medical procedures (TMM/OG9-12, pages 10.135-10.137).

Claim 25: TMM discloses a method of medical language generation from data, comprising storing sentences and phrases related to medical data in peripheral CPU's, inputting patient data, transferring patient data to file servers and tabling patient data, transferring the tabled patient data to the CPU's and compiling sentences and paragraphs in the CPU's from the stored sentences and phrases and the patient data, whereby stored medical facts are converted into sentence structure (TMM/I&A, pages C220-C222).

Claim 26: TMM discloses a method of claim 25, further comprising the rearrangement of medical facts in sentence structure into a medically appropriate order (TMM/I&A, pages C225-C227).

Claim 27: TMM discloses a method of claim 26, further comprising the automatic consolidation of automatically generated medical English text with patient-related stored text (such as dictated transcripts) (TMM/I&A, pages C223-C224).

Claim 28: TMM discloses a method of claim 27, further comprising automatic insertion of headlines and sub headlines where appropriate (TMM/I&A, pages C228-C230).

Claim 29: TMM discloses a method of claim 27, further comprising the automatic use of bold, italic, and larger text sizes to emphasize important medical sections or information (TMM/I&A, pages C231-C236).

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Claim 30: TMM discloses a method of claim 15, further comprising providing automatic backup of data without requiring users to stop using the system while such backup is taking place (TMM/OG9-12, pages 9.5-9.9).

Claim 31: TMM discloses a method of claim 30, further comprising the automatic interim backup of only data that has changed since the last backup without requiring users to stop using the system while such backup is taking place (TMM/OG9-12, pages 9.10-9.19).

Claim 32: TMM discloses a method of claim 15, further comprising automatically recording each time the physician visits the patient's room (TMM/OG9-12, page 10.75).

Claim 33: TMM discloses a method of claim 15, whereby a user can, from any terminal, local or remote, with the proper security authorizations, initiate a teleconferencing link and allow for both video and audio communications between the linked users (TMM/OG9-12, pages 10.78-10.79).

Claim 34: TMM discloses a method of claim 15, whereby research data can be automatically extracted from medical data with identifying patient demographics removed to provide for the extensive research of historical medical data (TMM/OG9-12, pages 10.110-10.117, and CMS 2.63-CMS 2.65).

Claim 35: TMM discloses a method of claim 15, whereby electronic signatures can be attached to medical documents and automatically printed with such documents (TMM/I&A, pages A2-A4).

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Claim 36: TMM discloses a method of claim 35, further comprising the security procedures used to insure that electronic signatures are only placed by an authorized user (TMM/I&A, pages A36-A40).

Conclusion

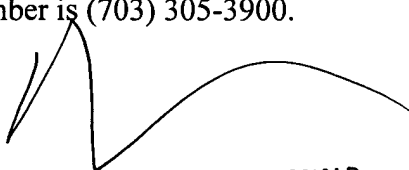
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allen R. MacDonald, can be reached on (703) 305-9708. The fax phone number for this Group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PRK-11/1/99.



ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER